

CONFIDENTIAL**CIA INTERNAL USE ONLY***Subscribed as FD Notice #77***MEMORANDUM OF AGREEMENT**

SUBJECT: Determination of Circumstances of Resignations for Purposes of Establishing Entitlement to Travel Payments and Allowances

1. Personnel departing for overseas assignments are required by the Central Processing Branch, Office of Personnel to execute an agreement entitled: "Travel Agreement by Staff Employees Assigned to Permanent Duty Station outside Continental United States". This agreement contains a clause that if the person terminates his employment for personal reasons in less than twelve (12) months from the date of his arrival at his post, he will reimburse the Agency for moneys expended by the Government in connection with the outgoing travel. The Office of General Counsel (in OGC 9-0278a, dated 13 March 1959) ruled that although an overseas agreement should be executed by personnel prior to departure for overseas assignments the fact that, through inadvertence or normal administrative process, the employee fails to execute an Agency Agreement and fails to remain overseas for a period of twelve (12) months does not relieve him from liability of repaying to the United States Government all travel and transportation costs expended by the Government in transporting him to his overseas post. Personnel assigned to overseas stations are entitled to payment of their return travel to the United States upon completion of twenty-four (24) months overseas service or if their return travel is deemed in the best interest of the Government.

2. From time to time, whenever personnel fail to complete either twelve (12) or twenty-four (24) months service abroad, problems arise in establishing the appropriate authorizing official within the Agency to determine whether payment or refund may or may not be required. On occasion, the certifying office is presented with two official documents indicating conflicting determinations, such as a travel order indicating return short of completion of tour was for the convenience of the Government and a personnel action indicating resignation for personal reasons.

3. A second problem exists when personnel separate from the Agency after the receipt of payment for home service transfer allowance but prior to the completion of six (6) months service from the entrance on duty at his post in the continental U. S. By regulation personnel are required to refund the total amount of home service transfer allowance received if they voluntarily separate from the Agency within six (6) months of their return from overseas unless their reasons for separation are found to be in the best interest of the United States Government by the Director of Personnel.

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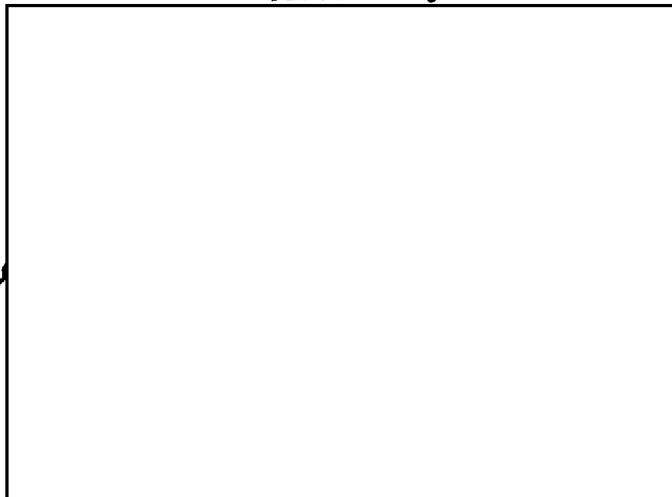
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4. It is agreed that the following procedures will apply in providing the Finance Division with an official determination regarding payment or refund requirements:

- a. With reference to return travel, the determination of the official authorizing the travel, as indicated by his signature on the Travel Order, will be accepted as evidence of whether the return was or was not for the convenience of the Government. Further, unless other documentation has been furnished to the Finance Division, as prescribed in 2b. below, the Travel Order may also serve as the basis for authorizing the payment of the Temporary Lodging and Home Service Transfer Allowances.
- b. When the circumstances of resignation within six months of an employee's return raise a question as to the applicability of the TLA or HSTA refund provision, Finance Division will be advised of the determination by a memorandum from the Chief of Support of the Area Division concerned and endorsed by the Director of Personnel or his designee.

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Deputy Director (Support)

18 April 60
 Date

20 April 1960
 Date

22 April 1960
 Date

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